



August 31, 1999

Mr. David Atmar Smith
City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR99-2448

Dear Mr. Smith

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128634.

The City of Victoria (the "city") received a request for incident reports regarding case numbers 9913701 and 9913702. You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Therefore, section 552.101 encompasses confidentiality provisions such as Family Code section 58.007. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of that statute reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

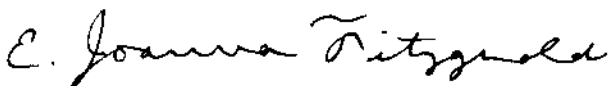
¹Because this office believes that section 552.101 of the Government Code, in conjunction with section 58.007 of the Family Code, is dispositive of this matter, this letter does not address your argument regarding section 552.103 of the Government Code.

Section 51.02(2)(A) defines "child" as a person who is ten years of age or older and under seventeen years of age.

The reports at issue constitute law enforcement records concerning juvenile conduct that occurred after September 1, 1997. Thus, the reports are confidential pursuant to section 58.007(c) of the Family Code. Accordingly, the city must withhold the reports from disclosure under section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "E. Joanna Fitzgerald".

E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 128634

Encl: Submitted documents

cc: Mr. Milton E. Slaughter
2604 Kay Drive
Victoria, Texas 77901
(w/o enclosures)